THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 10th July, 2006

W.P.No.8764 of 1998

Between:

The Agricultural Market Committee,
Peddapalli, rep. by its Secretary
A. Chandraiah ... Petitioner

and

The Joint Collector, Karimnagar
and others. ... Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.8764 of 1998

ORAL ORDER:

Heard both sides.

This Writ Petition is misconceived and is directed against a show cause notice dated 9-3-1998 issued by the 1st respondent-Joint Collector, wherein it is alleged that the Mandal Revenue Officer, Peddapalli reported that the Traders are hoarding paddy in the Godown of Agricultural Market Committee, Peddapalli. Revenue Divisional Officer, Peddapalli inspected the spot on 8-12-1997 and advised the Mandal Revenue Officer to conduct a thorough enquiry into the whole episode. After conducting a detailed enquiry, the Mandal Revenue Officer submitted his report. Basing on the same, the impugned show cause notice has been issued asking the petitioner to submit its explanation within 7 days from the date of receipt of the notice as to why the entire seized stocks should not be confiscated in favour of the Government under Section 6-A of the Essential Commodities Act,1955.

The contention of the petitioner is that under sub-Section (1) of Section 4 of the A.P. (Agricultural Produce & Livestock) Markets Act,1966, the Government has to constitute a market committee for the notified area declared under Section 3 thereof. The Market Committee, which functions for the whole of the notified area has to establish markets in accordance with the directions issued by the Government. Thus, the petitioner-Market Committee was constituted. The paddy pertaining to five ryots was deposited in the market committee godowns and loans were advanced on the basis of Pattadar passbook and Village Administrative Officer's certificate.

Therefore, the allegation that the Market Committee is advancing loans to Traders and not to ryots is illegal.

In this case, no final orders have been passed. At the time of admission of the Writ Petition, interim stay of sale of seized goods was granted. Further, the petitioner was permitted to submit its explanation within a period of three weeks and no final orders shall be passed until further orders. This itself shows that the petitioner was permitted to submit its explanation and final orders are yet to be passed. As stated above, the Writ Petition is filed only against the show cause notice.

In view of the above, without expressing any opinion on merits, the respondent-authorities are directed to pass final orders pursuant to the impugned show cause notice, after considering the explanation submitted by the petitioner, within a period of four weeks from the date of receipt of a copy of this order, if not already passed. Any observations made in any of the Proceedings passed before issuing the show cause notice etc., would not have any bearing on the final orders to be passed by the 1st respondent.

With the above directions, the Writ Petition is disposed of. No order as to costs.

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10-7-2006

prk